

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**October 30, 1997**

DIVISION ONE

B104277 People (Not for Publication)  
v.  
Yacotis

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.  
Ortega, J.

B092615	People v. Phillips	(Not for Publication)
B110266	In re Phillips on Habeas Corpus	

The judgment is reversed. The petition for writ of habeas corpus is dismissed as moot.

Masterson, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B108813      Catalano      (Not for Publication)  
v.  
Caplan

The order awarding attorney fees is modified to award the sum of \$22,112.96. As modified, the order is affirmed. Each of the parties is to bear their own costs on appeal.

Spencer, P.J.

We concur: Ortega, J.  
Dunn, J. (Assigned)

October 30, 1997-Continued

DIVISION ONE (Continued)

B105423      Ogata      (Not for Publication)

v.  
Wolfberg

The judgment is affirmed. Wolfberg is entitled to his costs on appeal from Ogata.

Ortega, J.

We concur:    Spencer, P.J.  
                  Dunn, J. (Assigned)

B105714      Sabino, etc.      (Not for Publication)

v.  
Hays

The order is affirmed.

Masterson, J.

We concur:    Ortega, Acting P.J.  
                  Vogel (Miriam A.), J.

B111471      Los Angeles County, D.C.S.      (Not for Publication)

v.  
Vilma T.

The orders under review are affirmed.

Masterson, J.

We concur:    Spencer, P.J.  
                  Ortega, J.

## DIVISION ONE (Continued)

B107974 People (Certified for Partial Publication)  
v.  
Jose T.

The matter is remanded to the trial court for a new disposition hearing. On count 1, the trial court is to impose only the longer of the two applicable enhancements. (Penal Code §§ 12022.5, 12022.7.) On counts 2 and 3, the trial court is to declare orally whether the matters are felonies or misdemeanors. The trial court then shall set the aggregate commitment period. In all other respects, the judgment is affirmed.

Ortega, Acting P.J.

I concur:      Dunn, J. (Assigned)

I concur fully in the published portion of the opinion. As to the portion not published, I concur only in the result: Masterson, J.

B109975 People (Not for Publication)  
v.  
Thornton

The trial court's order finding defendant in violation of probation is reversed. The matter is remanded with directions for the trial court to (1) dismiss the violation allegation and reinstate defendant's probation; (2) prepare a new abstract of judgment to that effect and forward to the Department of Corrections.

Ortega, J.

We concur: Spencer, P.J.  
Dunn, J. (Assigned)

## DIVISION ONE (Continued)

B107783 Blasberg (Not for Publication)  
v.  
Weinberger

The trial court's September 3, 1996 order denying the "Motion for Equitable Relief from Entry of Summary Judgment Dismissing Defendant George Weinberger" is reversed to the extent it imposed sanctions. In all other respects, the order is affirmed. The parties are to bear their own costs on appeal.

Masterson, J.

We concur: Vogel (Miriam A.), Acting P.J.  
Dunn, J. (Assigned)

B107837 Schuster (Not for Publication)  
v.  
Los Angeles Unified School District

The order denying Schuster's petition for relief under Government Code section 946.6 is reversed. Schuster is to recover costs on appeal.

Masterson, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B107602      Cantu      (Not for Publication)  
v.  
YMCA of Metropolitan Los Angeles

The judgment is affirmed.

Masterson, J.

We concur: Vogel (Miriam A.), Acting P.J.  
Dunn, J. (Assigned)

DIVISION ONE (Continued)

B105503      Dike      (Not for Publication)

v.

Rbar Associates II

The judgment on the cross-complaint of Anthony Dike against Rbar Associates II is affirmed.

Masterson, J.

We concur:    Spencer, P.J.  
                         Ortega, J.

B092246      Siegel      (Not for Publication)

v.

Rulli

Conservatorship of Wesley D. Memory.

The order under review is affirmed.

Masterson, J.

We concur:    Spencer, P.J.  
                         Vogel (Miriam A.), J.

B102730      Kayyali      (Not for Publication)

v.

The Regents of the University of California et al.

The order of dismissal is affirmed.

Masterson, J.

We concur:    Spencer, P.J.  
                         Ortega, J.

DIVISION ONE (Continued)

B096947      Fetchik et al.                      (Not for Publication)  
                 v.  
                 Circuit City Stores, Inc.

We affirm (1) the June 29, 1995 order granting Circuit City's motion for summary adjudication as to plaintiff Madeleine Tarnay's August 30, 1993 purchase, (2) the September 27, 1995 order dismissing the first cause of action as moot, and (3) the December 18, 1995 order denying plaintiffs' motion for attorney fees. We vacate that portion of the June 29, 1995 order granting Circuit City's motion for summary adjudication as to the second cause of action with respect to plaintiffs Madeleine Tarnay, Steve Roper, and Alfredo Prada. We reverse the judgment to the extent that it granted plaintiffs any injunctive or declaratory relief and direct the trial court on remand to enter judgment in favor of Circuit City on the second and third causes of action. Circuit City is entitled to costs on appeal.

Masterson, J.

We concur:   Ortega, Acting P.J.  
                 Vogel (Miriam A.), J.

DIVISION TWO

B109909      People                                      (Not for Publication)  
                 v.  
                 Deonte Damon P.

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

October 30, 1997-Continued

## DIVISION TWO (Continued)

B103358 People (Not for Publication)  
v.  
Alcon

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

DIVISION THREE

B103154      Curt Von Mueller      (Not for Publication)  
v.  
Graciela Mauricio, et al.

The judgment is affirmed as to the City of Alhambra and reversed as to defendant Graciela Mauricio. Each party to bear own costs on appeal.

Aldrich, J.

We concur: Klein, P.J.  
Aranda, J. (Assigned)

B100711 People (Not for Publication)  
v.  
Clarke

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

October 30, 1997-Continued

### DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B108254 People v. Stephens (Not for Publication)

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The judgment is affirmed, except that appellant's conviction for possession of marijuana as a lesser offense to count three is reversed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B098347 Neil Portman (Not for Publication)  
v.  
Turner Broadcasting System, Inc. etc. et al.

The summary judgment and the award of sanctions are affirmed. Costs on appeal to defendants.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.